

**DETERMINATION AND FINDINGS
FOR A
SOLE SOURCE PROCUREMENT**

CONTRACT NO.:

CAPTION: Records Maintenance and Retention

PROPOSED CONTRACTOR: Iron Mountain

PROGRAM AGENCY: Department of Consumer and Regulatory Affairs

FINDINGS

1. AUTHORIZATION:

D.C. Official Code § 2-303.05, 27 DCMR 1702 should also be cited for (a)(1) and (a)(4) sole sources

2. MINIMUM NEED:

The District of Columbia's Department of Consumer & Regulatory Affairs, (DCRA) has a continued need for storage retrieval and destruction of documents.

The period of performance shall be date of award through September 30, 2013.

3. ESTIMATED REASONABLE PRICE:

The government estimated the amount of \$21,000.00 to meet the requirements of this procurement.

4. FACTS THAT JUSTIFY SOLE SOURCE PROCUREMENT:

DCRA has had documents stored at Iron Mountain for the last (9) years and is currently in the process of removing all documents from Iron Mountain. The agency plans to have all boxes removed from Iron Mountain by the close of FY 2013. Once you establish an account with a storage company there is a reoccurring storage charge until you remove all documents from the facility. DCRA is not adding any additional documents to the facility, but retrieving as many documents as they can in a timely fashion. It is difficult to remove all the documents at one time because DCRA currently does not have the space to house the 1,000 plus boxes of architectural drawings that are now kept at that facility. DCRA is currently engaged in the process of removing the remaining boxes of documents and this project will be completed at the end of this fiscal year.

5. CERTIFICATION BY AGENCY HEAD:

I hereby certify that the above findings are true, correct and complete.

Date

Director, [Insert Agency]

6. CERTIFICATION BY CONTRACTING OFFICER:

I have reviewed the above findings and certify that they are sufficient to justify the use of the sole source method of procurement under the cited authority. I recommend that the Chief Procurement Officer approve the use of the sole source procurement method for this proposed contract.

Date

Contracting Officer

DETERMINATION

Based on the above findings and in accordance with the cited authority, I hereby determine that it is not feasible or practical to invoke the competitive bidding process under Section 303 of the District of Columbia Procurement Practices Act of 1985 (D.C. Law 6-85; D.C. Official Code § 2-303.03). Accordingly, I determine that the District is justified in using the sole source method of procurement.

Date

James Staton
Chief Procurement Officer

**DETERMINATION AND FINDINGS
FOR RENEWAL OR EXTENSION OF A
SOLE SOURCE PROCUREMENT**

CONTRACT NO.:

CAPTION:

PROPOSED CONTRACTOR:

PROGRAM AGENCY:

FINDINGS

1. AUTHORIZATION:

D.C. Official Code §§ 2-303.05(a)(_) and (b), 27 DCMR 1702
should also be cited for (a)(1) and (a)(4) sole sources

2. MINIMUM NEED:

3. ESTIMATED REASONABLE PRICE:

**4. FACTS WHICH JUSTIFY SOLE SOURCE
PROCUREMENT:**

5. CERTIFICATION BY AGENCY HEAD:

I hereby certify that the above findings are true, correct and
complete.

Date

Director, [Insert Agency]

6. CERTIFICATION BY CONTRACTING OFFICER:

I have reviewed the above findings and certify that they are sufficient to justify the renewal or extension of this sole source contract under the cited authority. I recommend that the Chief Procurement Officer approve the renewal or extension of this sole source contract.

Date

Contracting Officer

DETERMINATION

In accordance with D.C. Official Code § 2-303.05(b) and based on the above findings, I hereby determine that it is not feasible or practical to invoke as a prerequisite to renewing or extending Contract No. _____ the competitive bidding process under Section 303 of the District of Columbia Procurement Practices Act of 1985 (D.C. Law 6-85; D.C. Official Code § 2-303.03). Accordingly, I determine that the District is justified in renewing this sole source contract.

Date

David P. Gagan
Chief Procurement Officer

**INSTRUCTIONS FOR
DETERMINATION AND FINDINGS
FOR A SOLE SOURCE PROCUREMENT**

1. AUTHORIZATION

Indicate which subsection D.C. Official Code §2-303.05, authorizes your findings for use of the sole source procurement method. Section 2-303.05 authorizes sole source procurement under the five circumstances. Choose the citation most appropriate to the circumstances of your procurement:

- a. D.C. Official Code §2-303.05(a)(1)-There is only one source for the required commodity, service, or construction item. Cite 27 DCMR 1702 as applicable.
- b. D.C. Official Code §2-303.05(a)(2)-The contract is for the purchase of real property or interests in real property.
- c. D.C. Official Code §2-303.05(a)(3)- The contract is with a vendor who maintains a price agreement or schedule with any federal agency, so long as no contract executed under this provision authorizes a price higher than is contained in the contract between the federal agency and the vendor.
- d. D.C. Official Code §2-303.05(a)(3A)-The contract is with a vendor who agrees to adopt the same pricing schedule for the same services or goods as that of a vendor who maintains a price agreement or schedule with any federal agency. No contract executed under this provision may authorize a price higher than is contained in the contract between the federal agency and a vendor.
- e. D.C. Official Code §2-303.05(a)(4)-The contract is for the purchase of commodities, supplies, equipment, or construction services that would ordinarily be purchased on a competitive basis when an emergency is declared pursuant to D.C. Official Code §2-303.12. Use 27 DCMR 1710, 1711 and 1712 as applicable.

2. MINIMUM NEED

Describe the program agency's requirement for a stated minimum need (scope of work) and time frame within which the work must be performed. List in detail the precise nature and scope of the services or supplies required. The time frame must be justified in detail when sole source justification is time based.

3. ESTIMATED REASONABLE PRICE

The estimated price of the contract (the amount the contractor is anticipated to receive for its services or supplies).

4. FACTS WHICH JUSTIFY SOLE SOURCE PROCUREMENT

Indicate the facts which justify in detail the sole source citation referenced in the authority section.

- a. If using section 2-303.05(a)(1)-State the facts which establish that there is only one available source. This justification shall include an explanation of the proposed contractor's unique qualifications or other factors that qualify the proposed contractor as a sole source for the procurement. It shall also include a description of the market survey conducted and the results, or a statement of the reasons why a market survey was not conducted. If proprietary, follow 27 DCMR 1702.3.
- b. If using section 2-303.05(a)(2)-State the facts that support the conclusion that the contract is for the purchase of real property or interests in real property.
- c. If using section 2-303.05(a)(3)-Include the vendor's federal contract number and a copy of the schedule so that price comparisons can be made. State specifically that the prices are not higher than those in the federal contract and facts which support that the vendor's federal contract is for substantially the same goods or services.
- d. If using section 2-303.05(a)(3A)-Include the proposed contractor's adoption statement, the contract number of the federal contract being adopted and a copy of the price schedule being adopted. State specifically that the prices are not higher than those in the federal contract and facts which support that the federal contract is for substantially the same goods or services.
- e. If using section 2-303.05(a)(4)-Set forth the facts that support the conclusions that: an emergency has been declared pursuant to §2-303.12 (i.e., an imminent threat to the public health, welfare, property, or safety); explain why competition is not practicable; and that only a sole source or single available

source exists. In addition, state the nature of the harm that the public might suffer if the requirement were not met by emergency sole source procurement. The emergency procurement of goods and services must be limited to quantities and time period sufficient to meet the immediate threat. The emergency procurement of services may not be longer than one hundred twenty (120) days.

5. CERTIFICATION BY AGENCY HEAD

The head of the program agency, by signature, certifies factually the determination and findings.

6. CONTRACTING OFFICER CERTIFICATION

The contracting officer, by signature, certifies factually the determination and findings and recommends that the Chief Procurement Officer approve the use of the sole source procurement method.

7. DETERMINATION

The Chief Procurement Officer, or an official delegated authority in writing to sign on behalf of the Chief Procurement Officer, determines, by signature, that the use of the sole source procurement method is justified.

8. EXTENSIONS OR RENEWALS OF SOLE SOURCE PROCUREMENTS

D.C. Official Code § 2-303.05(b) requires CFO review of sole source renewals or extensions. Please allow 10 working days for OCFO review, certification, and approval. State clearly in your transmittal letter if the request is time sensitive.

OCP must submit to the OCFO the following items as the contract action package. Please submit in a binder 7/10/2008 7/10/2008, and do not submit double sided documents, since these must be scanned:

- **Memo from the CPO to the CFO** stating need for action. This memo should cite D.C. Official Code § 2-303.05(b) which sets out the requirement for CFO review and certification;
- **Contract with the vendor**, including any applicable modification(s) and award sheets;
- **Legal sufficiency memo for the contract or modification-** This memo must also cite D.C. Official Code § 2-303.05(b). If the proposed action is for less than \$1 million, the memo can be signed by OCP Office of General Counsel. If the proposed action is for \$1 million or more, the memo must be signed by the OAG;
- **Determination & Findings for Extending/Renewal of a Sole Source Procurement-** signed by the Program Agency Director, the Contracting Officer and the Chief Procurement Officer; with a determination that it is neither feasible nor practical to invoke the competitive bidding process;
- **BCM memo (streamlined form), containing a Price Reasonableness Determination and Contractor Responsibility Determination;**
- **Funding certification;**
- **Determination & Findings for Exercise of an Option-** if applicable;
- **Determination & Findings for Contract Exceeding Five Years-** if applicable;
- **Tax verification from DOES;** and
- **Tax Verification from OTR**